

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

ISMAEL MORALES

PLAINTIFF

v.

No. 2:10CV223-M-S

BOBBY PHILLIPS, ET AL.

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of Ismael Morales, who challenges the conditions of his confinement under 42 U.S.C. § 1983. For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated at the Tallahatchie County Correctional Facility when he filed this suit. The defendants seek [34] summary judgment, arguing that the present case has become moot. Morales has been released from the Tallahatchie County Correctional Facility, has not filed any document with the court since September 2011, and has not informed the court of his current mailing address. There is no indication that he will ever return to the Tallahatchie County Correctional Facility.

Morales alleges that the defendants would not treat his medical condition of hammertoe, and he sought only injunctive relief. Generally speaking, once a prisoner is removed from the institution about which he complains, his claims for injunctive relief regarding that institution become moot. *Oliver v. Scott*, 276 F.3d 736, 741 (5th Cir. 2002); *Cooper v. Sheriff, Lubbock Co. Tex.*, 92 F.2d 1078, 1081 (5th Cir. 1991). As Morales is not longer housed at the Tallahatchie County Correctional Facility, his sole claim in this case – a request for injunctive relief for denial

of treatment for his hammertoe condition – will be dismissed as moot. A final judgment consistent with this memorandum opinion will issue today.

SO ORDERED, this the 22nd day of October, 2012.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI